

ESSB 6774 - H COMM AMD

By Committee on Transportation

ADOPTED AND ENGROSSED 3/5/10

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.73.020 and 2009 c 515 s 14 are each amended to read as follows:

(1) The legislative authority of a county or city, or a public transportation benefit area as provided under subsection (2) of this section, may establish a transportation benefit district within the county or city area or within the area specified in subsection (2) of this section, for the purpose of acquiring, constructing, improving, providing, and funding a transportation improvement within the district that is consistent with any existing state, regional, (~~and~~) or local transportation plans and necessitated by existing or reasonably foreseeable congestion levels. The transportation improvements shall be owned by the county of jurisdiction if located in an unincorporated area, by the city of jurisdiction if located in an incorporated area, or by the state in cases where the transportation improvement is or becomes a state highway. However, if deemed appropriate by the governing body of the transportation benefit district, a transportation improvement may be owned by a participating port district or transit district, unless otherwise prohibited by law. Transportation improvements shall be administered and maintained as other public streets, roads, highways, and transportation improvements. To the extent practicable, the district shall consider the following criteria when selecting transportation improvements:

- (a) Reduced risk of transportation facility failure and improved safety;
- (b) Improved travel time;
- (c) Improved air quality;
- (d) Increases in daily and peak period trip capacity;
- (e) Improved modal connectivity;

- 1 (f) Improved freight mobility;
- 2 (g) Cost-effectiveness of the investment;
- 3 (h) Optimal performance of the system through time;
- 4 (i) Improved accessibility for, or other benefits to, persons with
- 5 special transportation needs as defined in RCW 47.06B.012; and
- 6 (j) Other criteria, as adopted by the governing body.

7 ~~((Subject to subsection (6) of this section, the))~~ (a) The

8 legislative authority of a public transportation benefit area under

9 chapter 36.57A RCW with boundaries that encompass all or part of a

10 county having a population of more than six hundred thousand may

11 establish a transportation benefit district within the full boundaries

12 of the public transportation benefit area. An authorized public

13 transportation benefit area must, except as otherwise provided in

14 subsection (2) of this section, comply with all requirements of this

15 chapter. A district may be formed by majority vote of the public

16 transportation benefit area's governing body, and the governing body of

17 the benefit area is not required to obtain agreement of the

18 jurisdictions having territory within the boundaries of the public

19 transportation benefit area.

20 (b) The transportation improvements shall be owned by the public

21 transportation benefit area unless otherwise agreed to or prohibited by

22 law.

23 (c) The authority of a public transportation benefit area to

24 establish a transportation benefit district or to impose or collect an

25 authorized tax, charge, or fee under this chapter or under RCW

26 82.80.140 expires on June 30, 2015. Any contract entered into by the

27 transportation benefit district for the collection of taxes, charges,

28 or fees on its behalf must include a provision establishing that the

29 collection of any such taxes, charges, or fees is not authorized after

30 June 30, 2015. The benefit district shall dissolve itself and cease to

31 exist no later than July 31, 2015.

32 (3) Except as otherwise provided in subsection (2) of this section,

33 a district may include area within more than one county, city, port

34 district, county transportation authority, or public transportation

35 benefit area, if the legislative authority of each participating

36 jurisdiction has agreed to the inclusion as provided in an interlocal

37 agreement adopted pursuant to chapter 39.34 RCW. However, the

1 boundaries of the district need not include all territory within the
2 boundaries of the participating jurisdictions comprising the district.

3 ~~((+3+))~~ (4) The members of the legislative authority proposing to
4 establish the district, acting ex officio and independently, shall
5 constitute the governing body of the district: PROVIDED, That, except
6 as otherwise provided in subsection (2) of this section, where a
7 district includes area within more than one jurisdiction under
8 subsection (2) of this section, the district shall be governed under an
9 interlocal agreement adopted pursuant to chapter 39.34 RCW(~~(-~~
10 ~~However~~)), with the governing body (~~(shall be)~~) being composed of (a)
11 at least five members including at least one elected official from the
12 legislative authority of each participating jurisdiction or (b) the
13 governing body of the metropolitan planning organization serving the
14 district, but only if the district boundaries are identical to the
15 boundaries of the metropolitan planning organization serving the
16 district. However, only those members of the governing body of a
17 metropolitan planning organization that are elected officials may
18 determine whether the district will impose or seek voter approval of
19 any authorized taxes, charges, or fees. Members that are not elected
20 officials are ex officio, nonvoting members of the district's governing
21 body for purposes of making decisions to impose or seek approval of
22 taxes, charges, or fees.

23 ~~((+4+))~~ (5) The treasurer of the jurisdiction proposing to
24 establish the district shall act as the ex officio treasurer of the
25 district, unless an interlocal agreement states otherwise.

26 ~~((+5+))~~ (6) The electors of the district shall all be registered
27 voters residing within the district.

28 ~~((+6) Prior to December 1, 2007, the authority under this section,~~
29 ~~regarding the establishment of or the participation in a district,~~
30 ~~shall not apply to:~~

31 ~~(a) Counties with a population greater than one million five~~
32 ~~hundred thousand persons and any adjoining counties with a population~~
33 ~~greater than five hundred thousand persons;~~

34 ~~(b) Cities with any area within the counties under (a) of this~~
35 ~~subsection; and~~

36 ~~(c) Other jurisdictions with any area within the counties under (a)~~
37 ~~of this subsection.))"~~

1 Correct the title.

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